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COMPLETED

DESIGNATING CERTAIN LANDS IN THE BANKHEAD NATIONAL FOREST, ALA., AS A WILDERNESS AREA AND TO INCORPORATE SUCH WILDERNESS AREA INTO THE SIPSEY WILDERNESS

JULY 30, 1982.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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Mr. DE LA GARZA, from the Committee on Agriculture, submitted the following

REPORT

[To accompany H.R. 6011]

[Including the cost estimate of the Congressional Budget Office]

The Committee on Agriculture, to whom was referred the bill (H.R. 6011) designating certain lands in the Bankhead National Forest, Alabama, as a wilderness area and to incorporate such wilderness area into the Sipsey Wilderness, having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

The amendments (stated in terms of the page and line number of the bill as reported by the Committee on Interior and Insular Affairs) are as follows:

Page 2, line 23, strike out "twenty-nine thousand acres" and insert in lieu thereof "twenty-eight thousand five hundred acres".

Page 2, line 25, strike out "June 1982" and insert in lieu thereof "July 1982".

Page 3, line 16, following "and" insert "the Committee on Agriculture and".

Page 3, after line 24, add a new section as follows:

SEC. 3. (a) The Congress finds that—

(1) the Department of Agriculture has completed the second roadless area review and evaluation program (RARE II);

(2) the Congress has made its own review and examination of national forest roadless areas in Alabama and the environmental impacts associated with alternative allocations of such areas.

(b) On the basis of such review, the Congress hereby determines and directs that—

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(1) without passing on the question of the legal and factual sufficiency of the RARE II final environmental statement (dated January 1979) with respect to national forest lands in States other than Alabama, such statement shall not be subject to judicial review with respect to national forest system lands in the State of Alabama;

(2) with respect to the national forest lands in the State of Alabama which were reviewed by the Department of Agriculture in the second roadless area review and evaluation (RARE II), except those lands remaining in further planning upon enactment of this Act, that review and evaluation shall be deemed for the purposes of the initial land management plans required for such lands by the Forest and Rangeland Renewable Resources Planning Act of 1974 as amended by the National Forest Management Act of 1976 (Public Law 94–588) to be an adequate consideration of the suitability of such lands for inclusion in the National Wilderness Preservation System and the Department of Agriculture shall not be required to review the wilderness option prior to the revision of the initial plans and in no case prior to the completion of the initial planning cycle;

(3) areas in the State of Alabama reviewed in such final environmental statement and not designated as wilderness by this Act or remaining in further planning upon enactment of this Act need not be managed for the purpose of protecting their suitability for wilderness designation pending revision of the initial plans;

(4) unless expressly authorized by Congress, the Department of Agriculture shall not conduct any further statewide roadless area review and evaluation of national forest system lands in the State of Alabama for the purpose of determining their suitability for inclusion in the National Wilderness Preservation System.

BRIEF EXPLANATION

The Committee on Agriculture adopted several amendments to H.R. 6011 as reported by the Committee on Interior and Insular Affairs. Only one of the amendments relates to the basic purpose of H.R. 6011, as reported by the Committee on Interior and Insular Affairs—to add approximately 29,000 acres to the existing 12,546 acre Sipsey Wilderness in the Bankhead National Forest in Alabama and to designate a new 6,780 acre Cheaha Wilderness in the Talladega National Forest in Alabama. That amendment reduces by 500 acres the lands designated for addition to the Sipsey Wilderness; this change recognizes an existing timber sales contract affecting the 500-acre tract.

The other amendments agreed to by the Committee on Agriculture (1) require that maps and legal descriptions of the designated wilderness areas be submitted to the Committee on Agriculture as well as to the Committee on Interior and Insular Affairs, and (2) incorporate into the bill what has become standard statutory language for State wilderness bills relating to the management of national forest lands not designated as wilderness or remaining in further study.

PURPOSE AND NEED

The Committee on Agriculture adopted several amendments to H.R. 6011, as reported from the Committee on Interior and Insular Affairs.

One of the Committee amendments would reduce by about five hundred acres the land to be designated for incorporation into the Sipsey Wilderness. The tract in question, which lies east of the McLemore Cemetery in the headwaters of the East Fork of Beech Creek, had been added by the Committee on Interior and Insular Affairs at the request of the Alabama delegation. However, it has since been discovered that the five hundred-acre tract is the site of an active timber sale and thus is not appropriate for inclusion within the wilderness. This amendment is acceptable to the Committee on Interior and Insular Affairs, the Alabama delegation, and the U.S. Forest Service.

A second amendment reflects the interest of the Committee on Agriculture in this matter by providing that the Committee shall receive maps and legal descriptions of the areas proposed by this legislation for designation as wilderness.

The third amendment of the Committee on Agriculture is intended to bring the terms of this legislation into conformity with the so-called "release/sufficiency" language adopted in earlier actions by Congress on State wilderness bills. Essentially identical language has been included in wilderness acts for the States of Colorado, New Mexico, and Alaska, as well as in the California RARE II bill (H.R. 4083) currently pending before the Senate Committee on Energy and Natural Resources. That bill passed the House on July 17, 1981.

In including this language, the Committee seeks to clarify the management of those roadless areas in Alabama reviewed and evaluated by the Department of Agriculture during the RARE II process but not designated by the pending bill as wilderness or remaining in further study. The Committee wishes to point out that the Administration favors inclusion of release/sufficiency language in this legislation. Further, information furnished to the Committee indicates that there are several roadless areas in Alabama which were reviewed during the RARE II process but which are not designated by this bill as wilderness and do not remain in the further study category. The Committee expects, therefore, that the inclusion of the usual release/sufficiency language in this bill will remove any uncertainty governing the management of these areas and further insure that there be uniformity in this regard among the States. Clearly, the failure to provide such uniformity would result in administrative problems for the Forest Service and could have unforeseen consequences for communities and industries dependent on the resources and uses of the lands within the National Forest System.

SECTION-BY-SECTION ANALYSIS

The report of the Committee on Interior and Insular Affairs on H.R. 6011 (Rept. 97–646, Part 1) contains an analysis of the bill as reported by that Committee. An analysis of the amendments to that bill adopted by the Committee on Agriculture is set forth elsewhere in this report.

COMMITTEE CONSIDERATION

H.R. 6011 was sequentially referred on July 20, 1982, to the Committee on Agriculture for a period ending not later than July 30, 1982.

This legislation was originally considered by the Committee on Interior and Insular Affairs, which ordered the legislation, as amended, reported by voice vote on June 23, 1982. For a discussion of hearings and action by that Committee, Members are referred to House Report 97–646, Part 1.

Because of the short time frame allowed by the sequential referral, H.R. 6011 was not referred to the Subcommittee on Forests, Family Farms and Energy. The full Committee on Agriculture considered H.R. 6011 in an open business session on Thursday, July 29, 1982. An opening statement by Mr. Weaver, Chairman of the Subcommittee on Forests, Family Farms, and Energy, summarized the actions by the Interior Committee and indicated that the legislation was supported by the Members of the Alabama delegation representing the areas involved (Representatives Flippo and Nichols).

Following that, the Committee approved, by voice vote, an amendment by Mr. Foley adding "release/sufficiency" language to H.R. 6011. That language, which is essentially identical to provisions adopted on several occasions by the House (and enacted into law on three occasions), is found in section 3 of H.R. 6011 as reported by the Committee on Agriculture.

Subsequently, by unanimous consent, the Committee agreed to add language providing that maps and legal descriptions of the areas designated as wilderness by the bill be filed with the Committee on Agriculture as well as the Committee on Interior and Insular Affairs.

Mr. Marlenee then offered an amendment to delete 500 acres from the proposed addition to the Sipsey Wilderness. In support of his amendment, Mr. Marlenee pointed out that this area is involved in an active timber sale (Hepsidam Sale, Contract No. 02–003021). Mr. Foley and Mr. Panetta expressed concern over the implications of the amendment and whether the Members from that area had been consulted. Both Members expressed reluctance to support an amendment dealing with the recommended boundaries without consultation with the Interior Committee and the Alabama Members.

Following further discussion of this issue, Mr. Marlenee withdrew his amendment by unanimous consent, with the understanding that, after consultation with the Committee on Interior, the Members from Alabama, and the U.S. Forest Service, agreement were possible, the boundary be adjusted to remove the area covered by the active timber sale.

The Committee, in the presence of a quorum, by a record vote of 24 ayes to 1 no, ordered H.R. 6011, as amended, reported with the recommendation that it do pass.

ADMINISTRATION POSITION

The Administration position on this legislation is detailed in a letter to the Chairman of the Committee on Interior and Insular Affairs from the Secretary of Agriculture and a statement presented by the Chief of the Forest Service to the Subcommittee on Public Lands and National Parks of that Committee.

Both documents follow:

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D.C., July 14, 1982.

Hon. MORRIS K. UDALL,
Chairman, Committee on Interior and Insular Affairs, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: As you requested, here is our report on H.R. 6011, a bill "To designate certain lands in the Bankhead National Forest, Alabama, as a wilderness area and to incorporate such wilderness areas into the Sipsey Wilderness."

The Department of Agriculture recommends that H.R. 6011 not be enacted.

H.R. 6011 would add 30,913 acres to the existing Sipsey wilderness on the Bankhead National Forest. The proposed additions include a total of six areas included in the RARE II process. Two areas (8068 and 8208) totaling 7,000 acres were recommended as additions to the Sipsey wilderness. Tthe other four areas (8206, 8207, 8209, and 8210) totaling approximately 23,000 acres were allocated to further planning. An area of approximately 800 acres included in H.R. 6011 was not included in the RARE II inventory because of ongoing timber sale activities.

The four areas totaling 23,000 acres were allocated to further planning because of high wilderness attributes and high resource values, particularly timber. These further planning areas have investments in timber management roads, reforestation, and other multiple resource management developments that warrant further evaluation. We believe wilderness designation for the four further planning areas is not appropriate at this time. These further planning areas should be considered for all uses, including wilderness, during development of the forest land and resource management plan currently underway rather than designating them as wilderness at this time. The plan for the National Forests in Alabama is scheduled to be completed in late 1983. In the interim, the areas will be managed to maintain their wilderness potential. Activities permitted by prior rights, existing law, and other established uses may continue pending final disposition of the area.

The two areas recommended for wilderness in RARE II (8068 and 8208) have resources similar to the four further planning areas and include 165 acres of private land that is in one ownership. Access to the two parcels of private land is over approximately 3 miles of gravel road located near the center of the proposed wilderness. The timber on this private land is under a contract for harvest. It is unlikely that we would be able to acquire the private land because of costs to the owner associated with canceling the timber contract and clearing up title problems resulting from the former owner conveying the land to the heirs for a 90-year period at which time it would be given to a university.

We believe the proposed timber harvesting and related log hauling through the wilderness is not a desirable situation for a designated wilderness. We are not changing the wilderness recommendation but suggest deferral of wilderness designation for these two areas. We would rather explore alternatives for resolving the problem associated with the private lands and access during the forest planning process and consider alternative wilderness proposals in conjunction with the

four adjacent further planning areas. Therefore, we recommend H.R. 6011 not be enacted at this time.

The Office of Management and Budget advises that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

JOHN R. BLOCK, *Secretary.*

STATEMENT OF R. MAX PETERSON, CHIEF, FOREST SERVICE, U.S. DEPARTMENT OF AGRICULTURE

Mr. Chairman and members of the committee, I am pleased to have this opportunity to present the Administration's views on two bills that would designate additional wildernesses in Alabama and one bill that would designate one new wilderness in Missouri. In addition, the committee has asked that we comment on the remaining RARE II wilderness recommendations and wilderness study areas in both States. I will comment first on the proposals in the State of Missouri.

MISSOURI

As a result of RARE II, four areas on the Mark Twain National Forest were recommended for wilderness designation. These four areas include Bell Mountain, Rock Pile, Piney Creek, and Devils Backbone. During the last Congress, these areas were designated as wilderness by Public Law 96–560. Two additional areas were identified for further planning during the RARE II process. They include an area known locally as the Irish wilderness and Paddy Creek which is a congressionally designated wilderness study area.

H.R. 5686 would designate a 17,562-acre Irish wilderness. The proposed wilderness is recognized as a prime candidate for wilderness by most conservation groups. However, many local organizations and local residents support nonwilderness uses for the area. This 17,500-acre area is located along the free-flowing Eleven Point River, a component of the National Wild and Scenic River System in southern Missouri. The area contains hollows, ridges, and bluffs that provide abundant habitat for a variety of wildlife.

The area was identified for further planning in the RARE II process because of the potential for valuable lead-zinc resources. The area is situated south of thec urrently developed portion of the Viburnum Trend, a rich lead belt that is estimated to contain 90 percent of the 1980 National output and 20 percent of the free world output of lead. Geological evidence indicates a high potential for valuable lead-zinc deposits within the proposed Irish wilderness. The actual mineral potential of the area will be determined through a joint Bureau of Mines-U.S. Geological Survey mineral assessment scheduled for completion this year. Exploratory drilling is the only means to determine the potential for this mineral resource estimated to be approximately 2,000 feet below the surface.

In May 1979, the St. Joe Minerals Corporation applied to the Bureau of Land Management for a prospecting permit covering 2,400 acres of National Forest System lands that includes 320 acres in the proposed Irish wilderness. The Mark Twain National Forest recently completed an environmental assessment that addressed exploration

within the Irish area. The Regional Forester has adopted an alternative that consents to exploratory prospecting of these lands but calls for mitigating measures to protect the wilderness option and fragile natural values in sensitive areas within the Irish wilderness. The granting of this prospecting permit is consistent with management direction set forth for further planning areas in the RARE II Final Environmental Impact Statement.

This further planning area will be considered for all uses, including wilderness, during development of the forest land and resource management plan currently underway. The plan for the Mark Twain National Forest is scheduled for completion in late 1983. In the interim, the area will be managed to maintain its wilderness potential. Activities permitted by prior rights, existing laws, and other established uses may continue pending final disposition of the area. This includes certain mineral exploration activities essential for information gathering prior to completion of the forest plan.

We believe wilderness designation is not appropriate at this time because the area's potentially significant mineral resources have not been fully assessed and this information should be considered in the forest planning process along with the wilderness and other resource values. Therefore, we recommend H.R. 5686 not be enacted at this time.

The committee asked that we comment on the status of the remaining wilderness study area, Paddy Creek. This 6,700-acre area was designated as a wilderness study area by Public Law 94–557 on October 19, 1976. This area was not included in the RARE II wilderness recommendations at the request of then Congressman Richard Ichord who felt the full study process should be followed.

The act establishing the study area directs the Secretary of Agriculture to review the study area for its suitability or nonsuitability for preservation as wilderness and report his findings to the President, who shall then advise the United States Senate and House of Representatives of his recommendation. The Forest Service has completed the required study and public hearings and the Department of Agriculture has submitted the proposal to the President for clearance and transmittal to Congress.

The "wilderness quality" rating of the Paddy Creek compares favorably to the four Missouri areas designated during the 96th Congress. Its vegetation is diverse and predominately forested. The strikingly clear Paddy Creek and Little Paddy Creek, typically Ozark, with gravel beds and alternating runs and pools, wind through the area. Rugged outcroppings of rock line the creek valleys and form a multitude of caves, crevasses, and fissures. Opportunities exist for both solitude and adventure that can provide challenge and require self reliance and judgment.

There are no foreseen significant adverse economic effects on Texas County, the surrounding counties, or the State. A minerals investigation concluded that the area is underlain with geologic formations typical of known host rocks for the important lead-zinc-silver-copper and magnetic iron deposits of the Southern Missouri District about 50 miles to the east. Extrapolation of data suggest that the area's potential for such mineral resources is low but it cannot be confirmed or ruled out without deep drilling and magnetic surveys. The estimated potential yield of timber is less than 600 thousand board feet per year.

There are three parcels of non-National Forest System land within the area. All three are privately owned: one 40 acres by an individual and the other two parcels, 40 and 80 acres, by a corporation. It is anticipated that the two corporate-owned parcels will be exchanged to the Forest Service.

ALABAMA

H.R. 6011 would add 30,913 acres to the existing Sipsey wilderness on the Bankhead National Forest. The proposed additions include a total of six areas included in the RARE II process. Two areas (8068 and 8208) totaling 7,000 acres were recommended as additions to the Sipsey wilderness. The other four areas (8206, 8207, 8209, and 8210) totaling approximately 23,000 acres were allocated to further planning. An area of approximately 800 acres included in H.R. 6011 was not included in the RARE II inventory because of ongoing timber sale activities.

The four areas totaling 23,000 acres were allocated to further planning because of high wilderness attributes and high resource values, particularly timber. These further planning areas have investments in timber management roads, reforestation, and other multiple resource management developments that warrant further evaluation. We believe wilderness designation for the four further planning areas is not appropriate at this time. These further planning areas should be considered for all uses, including wilderness, during development of the forest land and resource management plan currently underway. The plan for the National Forests in Alabama is scheduled to be completed in late 1983. In the interim, the areas will be managed to maintain their wilderness potential. Activities permitted by prior rights, existing law, and other establishment uses may continue pending final disposition of the area.

The two areas recommended for wilderness in RARE II (8068 and 8208) have resources similar to the four further planning areas and include 165 acres of private land that is in one ownership. Access to the two parcels of private land is over approximately 3 miles of gravel road located near the center of the proposed wilderness. The timber on this private land is under a contract for harvest. It is unlikely that we would be able to acquire the private land because of costs to the owner associated with canceling the timber contract and clearing up title problems resulting from the former owner conveying the land to the heirs for a 90-year period at which time it would be given to a university.

We believe the proposed timber harvesting and related log hauling through the wilderness is not a desirable situation for a designated wilderness. We are not changing the wilderness recommendation but suggest deferral of wilderness designation for these two areas. We will explore alternatives for resolving the problem associated with the private lands and access during the forest planning process and will consider alternative wilderness proposals in conjunction with the four adjacent further planning areas.

H.R. 6428 would designate a 6,780-acre Cheaha wilderness on the Talladega National Forest. The proposed wilderness includes parts of two areas identified for further planning during the RARE II process. These two areas, Adams Gap (8215) and Shinbone Creek (8067),

totaling approximately 8,400 acres, were allocated to further planning in RARE II because of high wilderness values as well as other important resource values, including a possible location for the proposed southern extension of Talladega Scenic Drive. Since alternative routes are available for the scenic drive, we do not object to wilderness designation for the 6,780 acres proposed in H.R. 6428. It is important that concerned publics understand that wilderness designation will preclude the option of locating the Talladega Scenic Drive along the mountain top in this area.

The proposed wilderness consists entirely of National Forest System land and includes the steep and rugged topography of Talladega Mountain. The annual programed harvest of sawtimber is less than 1 million board feet. There are no known mineral resources of significance in the area.

RELEASE LANGUAGE

These bills do not include provisions for release of nonwilderness areas nor do they set specific time limits for congressional action on recommendations for additional wilderness which may be generated from the further planning process. These concepts are of such importance that no additions to the Wilderness System should be made without providing at the same time equally assured status to unroaded lands designated for multiple uses other than wilderness in RARE II, or which may be recommended for uses other than wilderness as a result of the further planning process. We, therefore, urge that language embodying these concepts be included in any Missouri and Alabama wilderness legislation.

This concludes my prepared statement. I would be happy to answer any questions you may have.

INFLATIONARY IMPACT STATEMENT

Pursuant to clause 2(1)(4) of Rule XI of the Rules of the House of Representatives, the Committee estimates that enactment of H.R. 6011 will have no inflationary impact on the national economy.

BUDGET ACT COMPLIANCE (SECTION 308 AND SECTION 403)

The provisions of clause 2(1)(3)(B) of the Rules of the House of Representatives and section 308(a) oft he Congressional Budget Act of 1974 (relating to estimates of new budget authority or new or increased tax expenditures) are not considered applicable. The estimate and comparison prepared by the Director of the Congressional Budget Office under clause 2(1)(3)(C) of Rule XI of the Rules of the House of Representatives and section 403 oft he Congressional Budget Act of 1974 submitted to the Committee prior to the filing of this report are as follows:

CONGRESSIONAL BUDGET OFFICE,
Washington, D.C., July 30, 1982.

Hon. E DE LA GARZA,
Chairman, Committee on Agriculture, U.S. House of Representatives, Longworth House Office Building, Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to Section 403 of the Congressional Budget Act of 1974, the Congressional Budget Office has reviewed H.R.

6011, the Alabama Wilderness Act of 1982, as ordered reported by the House Committee on Agriculture, July 29, 1982.

The bill adds approximately 35,780 acres of National Forest System lands in Alabama to the National Wilderness Preservation System. Based on preliminary estimates from the National Forest Service, it is estimated that approximately $500,000 in timber receipts will be forgone annually by the federal government as a result of the wilderness designations. However, because of the lag between timber sales and receipts, the loss of receipts will be smaller during the first five years following enactment of the bill. Additional costs to the federal government resulting from surveying, planning, and related activities necessary to implement the wilderness withdrawals are expected to be approximately $75,000 per year during the next three fiscal years.

Should the Committee so desire, we would be pleased to provide further details on this estimate.

Sincerely,

ALICE M. RIVLIN, *Director.*

OVERSIGHT STATEMENT

No summary of oversight findings and recommendations made by the Committee on Government Operations under clause 2(b)(2) of Rule X of the Rules of the House of Representatives was available to the Committee with reference to the subject matter specifically addressed by H.R. 6011.

No specific oversight activities other than the hearings detailed in this report were conducted by the Committee within the definition of clause 2(b)(1) of Rule X of the Rules of the House of Representatives.

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